

**UNITED STATES DISTRICT COURT
Of the
FIRST CIRCUIT**

Norman Greenberg
Plaintiff

v.

Susan Elliot and Paul Arnold
Defendants

CIVIL ACTION NO. 03-12489 NG
Notification of Difficulty in Delivering Summons
and Complaint by U.S. Marshall, Outline
of Alternative Strategy & Request for Extension
of Time

FILED
IN CLERKS OFFICE
2004 SEP 27 A 11:06

U.S. DISTRICT COURT
DISTRICT OF MASS.

The plaintiff was notified on July 7, 2004 that the above-referenced case was deemed meritorious (pursuant to section 1915(e)(2)). On July 19, 2004, he delivered copies of the summons and complaint for both defendants along with a copy of the Order on Screening and Approval of Application to Proceed In Forma Pauperis to the U.S. Marshall's Service in Boston. Papers were then forwarded to the Los Angeles office where a U.S. Marshall repeatedly attempted, but failed, to effect service. See enclosed copies of Process Receipt and Return. (Enclosures 1 & 2) This was dated August 26, 2004. The U.S. Marshall was told by the superintendent of the only known residential address of these defendants that, though they pay the rent there, they are never there.

The plaintiff believes that these defendants would refuse to waive service of summons and that it would be a waste of time, especially at this point, to make that attempt.

The plaintiff believes that both defendants will be attending a hearing on a probate matter at the Court of Appeal of California, Division 5, 350 McAllister St., San Francisco, CA, on October 28, 2004 at 9:00 a.m. The plaintiff will also be present. He intends, at that time, to ask a court officer or attorney (someone not a party) to present a copy of the summons and complaint to each of these defendants; or, if the court approved, the plaintiff would hand them these papers himself in the presence of a court officer and subsequently ask the court officer to make a statement describing this situation. Enclosed are copies of a cover letter (enclosure 3) and form for third party to sign (enclosure 4) he intends to attach to each summons and complaint.

In light of the difficulties outlined above (there is an outside possibility that the defendants would not appear on October 28th), the plaintiff asks for an extension of time to effect service of Process *and new forms of summons stamped by court.*

Respectfully submitted,

Norman Greenberg

Norman Greenberg
Plaintiff, Pro Se

P.O. Box 390062
Cambridge, MA 02139
617 834-4479
Date: September 27, 2004

U.S. Department of Justice
United States Marshals Service

PROCESS RECEIPT AND RETURN

See Instructions for "Service of Process by the U.S. Marshal" on the reverse of this form.

PLAINTIFF

Norman Greenberg

DEFENDANT

COURT CASE NUMBER

03-12489-NG

TYPE OF PROCESS

SFC

SERVE

NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC., TO SERVE OR DESCRIPTION OF PROPERTY TO SEIZE OR CONDEMN

Susan Elliot

ADDRESS (Street or RFD, Apartment No., City, State and ZIP Code)

14311 Dickens St. #210, Sherman Oaks, CA 91423

AT

SEND NOTICE OF SERVICE COPY TO REQUESTER AT NAME AND ADDRESS BELOW:

Norman Greenberg
P.O. Box 390062
Cambridge, MA 02139

Number of process to be served with this Form - 285

Number of parties to be served in this case

2

Check for service on U.S.A.

SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE (Include Business and Alternate Addresses, All Telephone Numbers, and Estimated Times Available For Service):

P.O. Box 486, San Anselmo, CA 94979 TEL. (415) 613-0771

or

Paradise CAY DOCK (PAUL Arnold vessel)

or only

Tiburon, CA

Signature of Attorney or other Originator requesting service on behalf of:

Norman Greenberg

☒ PLAINTIFF☐ DEFENDANT

TELEPHONE NUMBER

617 834-4479

DATE

JULY 19, 20

SPACE BELOW FOR USE OF U.S. MARSHAL ONLY — DO NOT WRITE BELOW THIS LINE

I acknowledge receipt for the total number of process indicated.
(Sign only first USM 285 if more than one USM 285 is submitted)

Total Process

1

District of Origin
No. 38District to Serve
No. 12

Signature of Authorized USMS Deputy or Clerk

Henry Salazar

Date

7/20/04

I hereby certify and return that I ☐ have personally served, ☐ have legal evidence of service, ☐ have executed as shown in "Remarks", the process described on the individual, company, corporation, etc., at the address shown above or on the individual, company, corporation, etc., shown at the address indicated below.☒ I hereby certify and return that I am unable to locate the individual, company, corporation, etc., named above (See remarks below)

Name and title of individual served (if not shown above)

☐ A person of suitable age and discretion then residing at the defendant's usual place of abode

Address (complete only if different than shown above)

Date of Service

08/26/2004 12:37 pm

Signature of U.S. Marshal or Deputy

Henry Salazar

Service Fee

Total Mileage Charges
(including endeavors)

Forwarding Fee

Total Charges

Advance Deposits

Amount owed to U.S. Marshal or

Amount of Refund

REMARKS:

7/20/04 Mailed to Robert D/C at
8/17/04 NO ANSWER AT RESIDENCE IN SHERMAN OAKS, CA 12:00PM P.M.
8/26/04 NO ANSWER AT RESIDENCE IN SHERMAN OAKS 1:00AM P.M.

U.S. Department of Justice
United States Marshals Service

PROCESS RECEIPT AND RETURN

See Instructions for "Service of Process by the U.S. Marshal" on the reverse of this form.

PLAINTIFF <u>Norman Greenberg</u>		COURT CASE NUMBER <u>03-12489-NG</u>
DEFENDANT <u>SUSAN Elliot and Paul Arnold</u>		TYPE OF PROCESS <u>STC</u>
SERVE ➔	NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC., TO SERVE OR DESCRIPTION OF PROPERTY TO SEIZE OR CONDEMN <u>PAUL Arnold</u>	
AT	ADDRESS (Street or RFD, Apartment No., City, State and ZIP Code) <u>14311 Dickens St. #210, Sherman Oaks, CA 91423</u>	
SEND NOTICE OF SERVICE COPY TO REQUESTER AT NAME AND ADDRESS BELOW:		
<u>Norman Greenberg</u> <u>P.O. Box 390062</u> <u>Cambridge, MA 02139</u>		Number of process to be served with this Form - 285 Number of parties to be served in this case <u>2</u> Check for service on U.S.A. <u>—</u>

SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE (Include Business and Alternate Addresses, All Telephone Numbers, and Estimated Times Available For Service):

P.O. Box 486
San Anselmo, CA 94979
or
Paradise Cay Dock (Paul Arnold vessel)
Tiburon, CA

TEL. (415) 613-0771

Signature of Attorney or other Originator requesting service on behalf of: <u>Norman Greenberg</u>	<input checked="" type="checkbox"/> PLAINTIFF <input type="checkbox"/> DEFENDANT	TELEPHONE NUMBER <u>617 834-4479</u>	DATE <u>JULY 19, 2004</u>
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SPACE BELOW FOR USE OF U.S. MARSHAL ONLY — DO NOT WRITE BELOW THIS LINE

I acknowledge receipt for the total number of process indicated. (Sign only first USM 285 if more than one USM 285 is submitted)	Total Process <u>1</u>	District of Origin No. <u>38</u>	District to Serve No. <u>12</u>	Signature of Authorized USMS Deputy or Clerk <u>Nancy Delaney</u>	Date <u>7/20/04</u>
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I hereby certify and return that I ☐ have personally served, ☐ have legal evidence of service, ☐ have executed as shown in "Remarks", the process described on the individual, company, corporation, etc., at the address shown above or on the individual, company, corporation, etc., shown at the address inserted below.☒ I hereby certify and return that I am unable to locate the individual, company, corporation, etc., named above (See remarks below)

Name and title of individual served (if not shown above)	<input type="checkbox"/> A person of suitable age and discretion then residing in the defendant's usual place of abode.
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Address (complete only if different than shown above)	Date of Service <u>08/26/2004</u>	Time <u>1237</u> am
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Signature of U.S. Marshal or Deputy

Service Fee	Total Mileage Charges (including endeavors)	Forwarding Fee	Total Charges	Advance Deposits	Amount owed to U.S. Marshal or	Amount of Refund
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REMARKS:

7/20/04 mailed Central District CA At
8/6/04 Susan & Paul reside in Northern California do pay ren L
but never are for. Supi SUPER 818-995-8872
8/17/04 NO ANSWER AT RESIDENCE IN SHERMAN OAKS, CA. 1200PM K.M.M.

PRIOR EDITIONS
MAY BE USED

I. CLERK OF THE COURT

FORM USM-285 (Rev. 12/15/80)

08/26/04 NO ANSWER AT RESIDENCE IN SHERMAN OAKS, CA 1130PM K.M.M.

ENCLOSURE 3

**UNITED STATES DISTRICT COURT
Of the
FIRST CIRCUIT**

Norman Greenberg)	
Plaintiff)	
)	CIVIL ACTION NO. 03-12489 NG
v.)	Notice of Delivery of Summons & Complaint
)	Pursuant to Rule 4(c)(2) of the Federal Rules
Susan Elliot and Paul Arnold)	of Civil Procedure
Defendants)	

To: Susan Elliot and Paul Arnold, 14311 Dickens St. #210, Sherman Oaks, CA 91423 (or P.O. Box 486, San Anselmo, CA 94979

The enclosed summons and complaint are served pursuant to Rule 4(c)(2) of the Federal Rules of Civil Procedure. Please read carefully the instructions on the summons that is being handed to you, consult an attorney, and comply with the instructions contained therein.

Sincerely,

Norman Greenberg, Plaintiff Pro Se
P.O. Box 390062
Cambridge, MA 02139
617 834-4479
norman@envor.com

ENCLOSURE 4

I, the undersigned, declare, under penalty of perjury, that I (circle a or b): (a) delivered by hand or (b) witnessed the plaintiff deliver by hand a copy of the summons and complaint for Civil Action No. 03-12489 NG (Greenberg v. Elliot et al) to the following:

(make checkmark next to each name receiving a copy)

☐ Susan Elliot
☐ Paul Arnold

On this date:

At this location:

I declare furthermore that I am not a party to this action and am over 18 years of age.

Signed:

Title:

Residential or Workplace address: